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OFFICE OF PETITIONS

In re Application of :
Jinru Bian :
Application Number: 10/692093 : ON PETITION
Filing Date: 10/22/2003 :
Attorney Docket Number: 02005US :
:

This is a decision on the "PETITION UNDER CFR 1.183" filed on August 8, 2007, which is treated as a petition to withdraw the holding of abandonment.

The application was held abandoned for failure to timely respond to the non-final Office action mailed on May 5, 2006. Notice of Abandonment was mailed on August 6, 2007.

Petitioner asserts that the non-final Office action mailed on May 5, 2006, was not received. Counsel states, in pertinent part, that a review of PAIR reveals that the non-final Office action was returned as undeliverable because the address window on the envelope was blank.

A review of the record reveals that the Office action mailed on May 5, 2006, was returned as undeliverable on May 15, 2006. Further, an inspection of the Office' Image File Wrapper system reveals that a copy of the envelope showing that the Office action was returned is located therein, and the address window in the USPTO envelope appears blank. Accordingly, it is concluded that the Office action was returned as undeliverable because the address was not visible through the address window on the envelope mailed by the USPTO.

As such, the showing of record is that there was an irregularity in the mailing, and the Office action was not received as a result of an Office error. For this reason, the practitioner did not receive the non-final Office action of May 15, 2006.

Accordingly, there was no abandonment in fact. The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.. The application is restored to pending status.¹

The petition is GRANTED.

No petition fee is due and none has been charged.

The application file is being referred to Technology Center Art Unit 1765 technical support staff for remailing of the non-final Office action mailed on May 5, 2006. The period for reply will be reset from the mailing date thereof.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3231. Any other questions regarding the status of the application or the examination process should be directed to the Technology Center.



Douglas I. Wood
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Office of Petitions

¹ See MPEP 707.13. If the Office action was not mailed to the correct correspondence address, it should be stamped "remailed" with the remailing date and mailed to the correct correspondence address. The period running against the application begins with the date of remailing. Id.